

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF THE)	No. 1:13EC297
APPLICATION OF THE UNITED)	
STATES OF AMERICA FOR AN ORDER)	
AUTHORIZING THE USE OF A PEN)	
REGISTER/TRAP AND TRACE DEVICE)	
ON AN ELECTRONIC MAIL ACCOUNT)	
)	
IN THE MATTER OF THE SEARCH AND)	No. 1:13SW522
SEIZURE OF INFORMATION)	
ASSOCIATED WITH [REDACTED])	
THAT IS STORED AT PREMISES)	
CONTROLLED BY LAVABIT LLC)	
)	
In re Grand Jury)	No. 13-1

ORDER

WHEREAS, on January 7, 2016, the Court denied the Motion to Unseal Records and Vacate Non-Disclosure Orders respecting case numbers 1:13EC297, 1:13SW522, and No. 13-1 and ordered the United States to file on the public docket copies of all the previously filed pleadings, transcripts, and orders with redactions for only the identity of the subscriber and the subscriber's email address;

WHEREAS, on February 24, 2016, the United States moved to publicly file *ex parte* documents redacted of sensitive, nonpublic facts the disclosure of which could damage the ongoing investigation;

WHEREAS, on February 24, 2016, the United States moved to redact publicly filed documents of (a) information specific to the grand jury target that would disclose, in effect, the target's identity or would be protected from disclosure under Fed.R.Crim.P. 6(e), such as the

criminal statutes under investigation by the grand jury; and (b) information, such as the home address of Mr. Levison that should be redacted pursuant to Fed.R.Crim.P. 49.1 and EDVA Local Rule 49;

The court hereby finds that the government has a compelling interest in keeping under seal certain facts, the disclosure of which could damage the ongoing investigation or is protected by Fed.R.Crim.P. 6(e) and 49.1; the government's interest in keeping the redacted material sealed outweighs any public interest in disclosure; and having considered alternatives to the proposed redactions none will adequately protect those interests; it is hereby

ORDERED that the above-captioned cases are unsealed to allow the Clerk's office to file on the public docket and make electronically available through the CM/ECF system the following pleadings, transcripts, and orders as redacted in accordance with the Attachments to this Order:

I. Case Number 1:13EC297

1. Redacted Docket Sheet 1:13EC297
2. Redacted Motion for Order to Show Cause as to In Re: Pen Register (Dkt. #1)
3. Redacted ORDER Granting Motion for Order to Show Cause (Dkt. #2)
4. Redacted Summons Issued in case as to In Re: Pen Register (Dkt. #3)
5. Redacted Supplement re Motion for Order to Show Cause (Dkt. #4)
6. Redacted Minute Entry for proceedings (Dkt. #5)
7. Redacted Order Denying Motion to Unseal (Dkt. #6)
8. Redacted Motion to Seal the grand jury subpoena (Dkt. #7)
9. Redacted Order Granting Motion to Seal the grand jury subpoena (Dkt. #8)
10. Redacted Minute Entry for Proceedings (Dkt. #9)
11. Redacted Sealed Transcript of Proceedings (Dkt. #10)
12. Redacted Under Seal Ex Parte Motion (Dkt. #11)
13. Redacted Sealed Order re UNDER SEAL EX PARTE MOTION (Dkt. #12)
14. Redacted version of Sealed Order (Dkt. #13)
15. Redacted Motion to Unseal Case (Dkt. #14)
16. Redacted Order to Respond to Motion to Unseal Case (Dkt. #15)

17. Redacted Response by US to In Re: Pen Register (Dkt. #16)
18. Redacted Protective Order as to In Re: Pen Register (Dkt. #17)

II. Case Number 1:13SW522

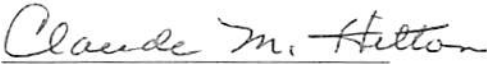
1. Redacted Docket Sheet 1:13SW522
2. Redacted Search Warrant Application and Affidavit (Dkt. #1)
3. Redacted Search Warrant Issued (Dkt. #2)
4. Redacted Motion to Seal Search Warrant (Dkt. #3)
5. Redacted Order to Seal (Dkt. #4)
6. Redacted Application for Non-Disclosure (Dkt. #5)
7. Redacted Nondisclosure Order (Dkt. #6)
8. Redacted Waiver of Personal Appearance (Dkt. #7)
9. Redacted Motion to Unseal Court Records (Dkt. #8)
10. Redacted Motion to Quash Subpoena (Dkt. #9)
11. Redacted Order denying Motion to Unseal and Motion to Quash (Dkt. #10)
12. Redacted Minute Entry (Dkt. #11)
13. Redacted Motion for Sanctions (Dkt. #12)
14. Redacted Order Granting Motion for Sanctions (Dkt. #13)
15. Redacted Notice of Appeal (Dkt. #14)
16. Redacted Transmission of Notice of Appeal (Dkt. #15)
17. Redacted Transcript of Proceedings (Dkt. #16)
18. Redacted USCA Case Number 13-4626 (Dkt. #17)
19. Redacted Order of USCA Consolidating Case No. 13-4625 and 4626 (Dkt. #18)
20. Redacted Under Seal Ex Parte Motion (Dkt. #19)
21. Redacted Sealed Order re Under Seal Ex Parte Motion (Dkt. #20)
22. Redacted version of Sealed Order (Dkt. #21)
23. Redacted Published Opinion of USCA (Dkt. #22)
24. Redacted Judgment of USCA (Dkt. #23)
25. Redacted USCA Mandate re Notice of Appeal (Dkt. #24)
26. Redacted Motion to Unseal Case (Dkt. #25)
27. Redacted Order to Respond to Motion to Unseal Case (Dkt. #26)
28. Redacted Response by US (Dkt. #27)
29. Redacted Protective Order (Dkt. #28)
30. Redacted Response of the United States in Opposition to Motion to Quash Subpoena and Unseal Court Records (Filed July 31, 2013) (Dkt. #TBD)

It is further ORDERED that the originally filed, unredacted pleadings, transcripts, and orders in matters 1:13EC297, 1:13SW522, and No. 13-1 remain under seal, and that no part of

them may be disclosed without Court order except to the extent provided above and in the Court's January 7, 2016 Order.

It is so ORDERED.

ENTERED this 24th day of February 2016, at Alexandria, Virginia.


Claude M. Hilton
Senior United States District Judge